

**SUPREME COURT MINUTES
MONDAY, DECEMBER 16, 2013
SAN FRANCISCO, CALIFORNIA**

S173972 B199287 Second Appellate District, Div. 3 **LOEFFLER (KIMBERLY) v.
TARGET CORPORATION**

Supplemental briefing ordered

- (1) May a cause of action be brought under the UCL (see Bus. & Prof. Code, § 17200 et seq.) or CLRA (see Civ. Code, § 1750 et seq.) based on an allegation that a retailer misrepresented that it was collecting an amount as tax reimbursement when in fact the retailer failed to remit the amount to the Board of Equalization?
- (2) If so, do the allegations in plaintiffs' second amended complaint state a cause of action under the UCL or CLRA on this theory, and, if not, should plaintiffs be afforded an opportunity to amend their complaint to state such causes of action?

The parties are directed to serve and file simultaneous supplemental briefs on these questions on or before Monday, January 13, 2014. Simultaneous reply briefs may be served and filed on or before Monday, January 27, 2014. The parties are directed to present a hard copy of the briefs for filing at this court's San Francisco clerk's office on or before the stated dates.

S214956 **RANDOLPH (JEFFREY G.) v.
S.C. (PEOPLE)**

Petition stricken (case closed)

Due to clerical error, the petition for writ of mandate filed on December 2, 2013, in the above-entitled matter is hereby stricken as the petition was intended to be filed with the Court of Appeal, Second Appellate District.

S214061 A135892 First Appellate District, Div. 1 **FRIENDS OF THE COLLEGE
OF SAN MATEO GARDENS v.
SAN MATEO COUNTY
COMMUNITY COLLEGE
DISTRICT**

The time for granting or denying review in the above-entitled matter is hereby extended to February 3, 2014.

S214081 D062804 Fourth Appellate District, Div. 1 **HALL (RICHARD GORDON)
v. HARRIS (KAMALA D.)**

The time for granting or denying review in the above-entitled matter is hereby extended to January 23, 2014.

S214159 B248269 Second Appellate District, Div. 5 **WAWOCK (RICHARD) v. S.C.
(CSI ELECTRICAL
CONTRACTORS, INC.)**

The time for granting or denying review in the above-entitled matter is hereby extended to January 24, 2014.

S214194 F064435 Fifth Appellate District **PEOPLE v. REYES, JR.,
(DAVID)**

The time for granting or denying review in the above-entitled matter is hereby extended to January 22, 2014.

S214248 B239858 Second Appellate District, Div. 1 **MORADI (MAJID) v. MARSH
USA, INC.**

The time for granting or denying review in the above-entitled matter is hereby extended to January 24, 2014.

S214253 B243116 Second Appellate District, Div. 5 **PEOPLE v. ELLIS (ROBERT
LEE)**

The time for granting or denying review in the above-entitled matter is hereby extended to January 24, 2014.

S214258 B240068 Second Appellate District, Div. 7 **PEOPLE v. JEFFERSON
(DONOVAN TROY)**

The time for granting or denying review in the above-entitled matter is hereby extended to January 24, 2014.

S214263 E055708 Fourth Appellate District, Div. 2 **PEOPLE v. NAMPULA (JOSE)**

The time for granting or denying review in the above-entitled matter is hereby extended to January 24, 2014.

S214276 A139935 First Appellate District, Div. 4 **FREER (ANDRE) ON H.C.**
The time for granting or denying review in the above-entitled matter is hereby extended to January 24, 2014.

S214295 B239983 Second Appellate District, Div. 8 **PEOPLE v. VALADEZ (DANIEL)**
The time for granting or denying review in the above-entitled matter is hereby extended to January 29, 2014.

S214326 **PERRY (MOSHE) v. EDD**
The time for granting or denying review in the above-entitled matter is hereby extended to January 30, 2014.

S214338 B233896 Second Appellate District, Div. 1 **KMART CORPORATION v. HARTFORD FIRE INSURANCE COMPANY**
The time for granting or denying review in the above-entitled matter is hereby extended to February 3, 2014.

S214345 B242739 Second Appellate District, Div. 3 **PEOPLE v. URIBE (ALEXIS)**
The time for granting or denying review in the above-entitled matter is hereby extended to January 29, 2014.

S214375 C069838/C069853/C069856
Third Appellate District **PEOPLE v. OWENS, JR., (KENNETH OLIVER)**
The time for granting or denying review in the above-entitled matter is hereby extended to January 30, 2014.

S214376 B238353 Second Appellate District, Div. 3 **PEOPLE v. WILLIAMS (DAVID)**
The time for granting or denying review in the above-entitled matter is hereby extended to January 29, 2014.

S214381 E055371 Fourth Appellate District, Div. 2 **PEOPLE v. ANDRINO
(ADRIAN)**

The time for granting or denying review in the above-entitled matter is hereby extended to January 29, 2014.

S214385 F065003 Fifth Appellate District **JAMES (SCOTT R.) v. STATE
OF CALIFORNIA**

The time for granting or denying review in the above-entitled matter is hereby extended to January 30, 2014.

S214387 H037194 Sixth Appellate District **PEOPLE v. SEGURA
(ROBERT K.)**

The time for granting or denying review in the above-entitled matter is hereby extended to January 30, 2014.

S214398 B242591 Second Appellate District, Div. 5 **PEOPLE v. MARTINEZ
(SEAN MATTHEW)**

The time for granting or denying review in the above-entitled matter is hereby extended to February 3, 2014.

S214401 E055005 Fourth Appellate District, Div. 2 **PEOPLE v. JAURE
(RAYMOND)**

The time for granting or denying review in the above-entitled matter is hereby extended to January 31, 2014.

S214415 G046590 Fourth Appellate District, Div. 3 **PEOPLE v. RANGEL
(SANTOS FLORES)**

The time for granting or denying review in the above-entitled matter is hereby extended to January 31, 2014.

S214422 C069687 Third Appellate District **PEOPLE v. SAM (NANG)**

The time for granting or denying review in the above-entitled matter is hereby extended to February 3, 2014.

S214424 B243613 Second Appellate District, Div. 7 **WASSERMAN, COMDEN,
CASSELMAN & ESENSTEN
LLP v. PATEL (RAYKESH)**

The time for granting or denying review in the above-entitled matter is hereby extended to February 3, 2014.

S214425 B243249 Second Appellate District, Div. 8 **TERRY (MICHAEL) v. FOX
TELEVISION STUDIOS, INC.**

The time for granting or denying review in the above-entitled matter is hereby extended to January 31, 2014.

S214429 B237218 Second Appellate District, Div. 1 **PEOPLE v. CRESPO
(CANDIDO)**

The time for granting or denying review in the above-entitled matter is hereby extended to February 3, 2014.

S214430 B237476 Second Appellate District, Div. 4 **RASHIDI (HAMID) v. MOSER
(FRANKLIN)**

The time for granting or denying review in the above-entitled matter is hereby extended to February 3, 2014.

S214434 B241593 Second Appellate District, Div. 3 **PEOPLE v. MURPHY
(MATTHEW)**

The time for granting or denying review in the above-entitled matter is hereby extended to February 3, 2014.

S214436 A135875 First Appellate District, Div. 1 **IN RE R.H.**

The time for granting or denying review in the above-entitled matter is hereby extended to February 3, 2014.

S214439 A134917 First Appellate District, Div. 4 **PEOPLE v. GREEN (GLEN
FOSTER)**

The time for granting or denying review in the above-entitled matter is hereby extended to February 3, 2014.

S214440 A133852 First Appellate District, Div. 5 **PEOPLE v. NGUYEN (JEFF D.)**

The time for granting or denying review in the above-entitled matter is hereby extended to February 3, 2014.

S214445 B241807 Second Appellate District, Div. 1 **MAVE ENTERPRISES, INC. v. TRAVELERS INDEMNITY COMPANY OF CONNECTICUT**

The time for granting or denying review in the above-entitled matter is hereby extended to February 4, 2014.

S214451 A136587/A137947 First Appellate District, Div. 4 **IN RE S.B.**
The time for granting or denying review in the above-entitled matter is hereby extended to February 4, 2014.

S214452 C072168 Third Appellate District **PEOPLE v. SIEVERT (JASON EDWARD)**

The time for granting or denying review in the above-entitled matter is hereby extended to February 4, 2014.

S214453 B244333 Second Appellate District, Div. 1 **PHILIPPE'S WATCHES, INC. v. UNITED PARCEL SERVICES, INC.**

The time for granting or denying review in the above-entitled matter is hereby extended to February 4, 2014.

S214457 E059772 Fourth Appellate District, Div. 2 **NICHOLS (JASON LEMAR) ON H.C.**

The time for granting or denying review in the above-entitled matter is hereby extended to February 4, 2014.

S214461 A139955 First Appellate District, Div. 5 **ALDANA-GOMEZ (MERCEDES) v. S.C. (PEOPLE)**

The time for granting or denying review in the above-entitled matter is hereby extended to February 4, 2014.

S214462 B231114 Second Appellate District, Div. 7 **GARAU (CARLOS) v.
TORRANCE UNIFIED
SCHOOL DISTRICT**

The time for granting or denying review in the above-entitled matter is hereby extended to February 4, 2014.

S214463 B233791 Second Appellate District, Div. 3 **PEOPLE v. SOTELO
(MARTIN)**

The time for granting or denying review in the above-entitled matter is hereby extended to February 4, 2014.

S051968 **PEOPLE v. MORELOS
(VALDAMIR FRED)**

Extension of time granted

Good cause appearing, and based upon Supervising Deputy Attorney General Catherine A. Rivlin's representation that the respondent's brief is anticipated to be filed by May 27, 2014, counsel's request for an extension of time in which to file that brief is granted to February 24, 2014. After that date, only two further extensions totaling about 92 additional days are contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

S106274 **PEOPLE v. CARO (SOCORRO
SUSAN)**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Chung L. Mar's representation that the respondent's brief is anticipated to be filed by April 15, 2014, counsel's request for an extension of time in which to file that brief is granted to February 14, 2014. After that date, only one further extension totaling about 60 additional days is contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

S211702 G046129 Fourth Appellate District, Div. 3 **PEOPLE v. EID (REYNALDO
JUNIOR)**

Extension of time granted

On application of appellant, Reynaldo Junior Eid, and good cause appearing, it is ordered that the time to serve and file the answer brief on the merits is extended to January 15, 2014.

S211702 G046129 Fourth Appellate District, Div. 3 **PEOPLE v. EID (REYNALDO JUNIOR)**

Extension of time granted

On application of appellant, Alaor Docarmo Oliveira, and good cause appearing, it is ordered that the time to serve and file the answer brief on the merits is extended to January 15, 2014.

S212150 **HUNTER (RONNIE M.) ON H.C.**

Extension of time granted

On application of respondent and good cause appearing, it is ordered that the time to serve and file the informal response is extended to January 15, 2014.

S213687 H038316 Sixth Appellate District **PEOPLE v. TRUJILLO (DONNA MARIE)**

Counsel appointment order filed

Upon request of appellant for appointment of counsel, Randall Conner is hereby appointed to represent appellant on the appeal now pending in this court.

Appellant's brief on the merits must be served and filed on or before thirty (30) days from the date respondent's opening brief on the merits is filed.

S213703 E048880 Fourth Appellate District, Div. 2 **PEOPLE v. NGUYEN (VINH)**

Counsel appointment order filed

Upon request of appellant for appointment of counsel, The Appellate Defenders, Inc., is hereby appointed to represent appellant on the appeal now pending in this court.

S213798 **MYERS ON DISCIPLINE**

Order filed

The order filed on December 11 2013, suspending TIMOTHY DAVID MYERS, State Bar Number 199356, is amended nunc pro tunc to read in its entirety:

"The court orders that TIMOTHY DAVID MYERS, State Bar Number 199356, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and he is placed on probation for two years subject to the following conditions:

1. TIMOTHY DAVID MYERS is suspended from the practice of law for the first 90 days of probation;
2. TIMOTHY DAVID MYERS must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on August 20, 2013; and
3. At the expiration of the period of probation, if TIMOTHY DAVID MYERS has complied with all conditions of probation, the two-year period of stayed suspension will be satisfied

and that suspension will be terminated.

TIMOTHY DAVID MYERS must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period.

Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

TIMOTHY DAVID MYERS must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One third of the costs must be paid with his membership fees for each of the years 2015, 2016, and 2017. If TIMOTHY DAVID MYERS fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately."

S215004 C075108 Third Appellate District

**HARPER (GERALD A.) v. S.C.
(PEOPLE)**

Transferred to Court of Appeal, Third Appellate District

The above-entitled matter is transferred to the Court of Appeal, Third Appellate District, for consideration in light of *Hagan v. Superior Court* (1962) 57 Cal.2d 767. In the event the Court of Appeal determines that this petition is substantially identical to a prior petition, the repetitious petition must be denied.

S215052

WEBB (A.D.) v. S.C. (PEOPLE)

Transferred to Court of Appeal, Fifth Appellate District

The above-entitled matter is transferred to the Court of Appeal, Fifth Appellate District.

S215068

**PEYTON (LEE EDWARD) v.
S.C. (WHITTEKER)**

Transferred to Court of Appeal, Second Appellate District

The above-entitled matter is transferred to the Court of Appeal, Second Appellate District, Division Six.

S204618**CROSBY ON DISCIPLINE**

Probation revoked

The court orders that the probation of MICHAEL HOWARD CROSBY, State Bar Number 125778, is revoked. The court further orders that MICHAEL HOWARD CROSBY is suspended from the practice of law for one year, execution of that period of suspension is stayed, and he is placed on probation for two years subject to the following conditions:

1. MICHAEL HOWARD CROSBY is suspended from the practice of law for the first one year of his probation (with credit given for the period of involuntary inactive enrollment which commenced on September 28, 2013); and
2. MICHAEL HOWARD CROSBY must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order filed on September 25, 2013.
3. At the expiration of the period of probation, if MICHAEL HOWARD CROSBY has complied with all conditions of probation, the one-year period of stayed suspension will be satisfied and that suspension will be terminated.

MICHAEL HOWARD CROSBY must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.